

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

PHILIP R. KLEIN

v.

LAYNE WALKER

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NO. 1:14-CV-509

**ORDER ADOPTING IN PART REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

The court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pre-trial proceedings. (Doc. No. 2.) Pending before the court is a “Motion to Dismiss” filed by the Defendant. (Doc. No. 6.) The court has received and considered the report and recommendation of the magistrate judge (Doc. No. 11), recommending that the court grant the motion. However, the magistrate judge also recommended that the Plaintiff be given an opportunity to amend his complaint. The Plaintiff has since filed an unopposed motion for leave to amend his complaint, which was subsequently granted by the magistrate judge. No objections were filed to the magistrate judge’s report and recommendation, and the time for doing so has passed.

Accordingly, it is therefore **ORDERED** that the magistrate judge’s report and recommendation (Doc. No. 11) is **ADOPTED IN PART**, only as to the magistrate judge’s recommendation that the Plaintiff be given an opportunity to amend. The Defendant’s “Motion to Dismiss” (Doc. No. 6) is now **DENIED AS MOOT**.

So **ORDERED** and **SIGNED** this **24** day of **July, 2015**.



Ron Clark, United States District Judge